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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ROBERT TUNSTALL,

11 Petitioner,

No. CIV S-04-2658 DFL JFM P

12 vs.

13 TERESA A. SCHWARTZ, et al.,

14 Respondents.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding pro se with an application for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. On August 25, 2005, this court issued findings and
18 recommendations recommending dismissal of the action without prejudice due to petitioner's
19 failure to exhaust state remedies. On September 12, 2005, petitioner filed objections to the
20 findings and recommendations in which he contends that he did exhaust state court remedies in a
21 petition for review to the California Supreme Court, which was denied by order filed November
22 10, 2004. Petitioner has attached to his objections a copy of the order denying the petition for
23 review, but has not filed a copy of the petition for review itself.

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1 Good cause appearing, IT IS HEREBY ORDERED that within twenty days from
2 the date of this order petitioner shall file a copy of the petition for review docketed in the
3 California Supreme Court as Case No. S127295 and denied by order filed November 10, 2004.
4 DATED: October 12, 2005.

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7 UNITED STATES MAGISTRATE JUDGE

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